

## REMARKS

The status of the claims is as follows: Claims 1-39 are pending. Claims 2, 5, 6, 7, 12, 13, 17, 26, 30, 31 and 36 are canceled. Claims 1, 3, 4, 8, 10, 11, 14, 21, 22, 23, 25, 32 and 33 are currently amended. Support for the amendments, and in particular the term "inner oval section" is found in the Specification on page 9, line 20. Support for the other amendments is also found in the claims. Claims 9, 15, 16, 18-20, 24, 27, and 28 are original. Claims 21-23, 29, 34, 35 and 37-39 are previously presented.

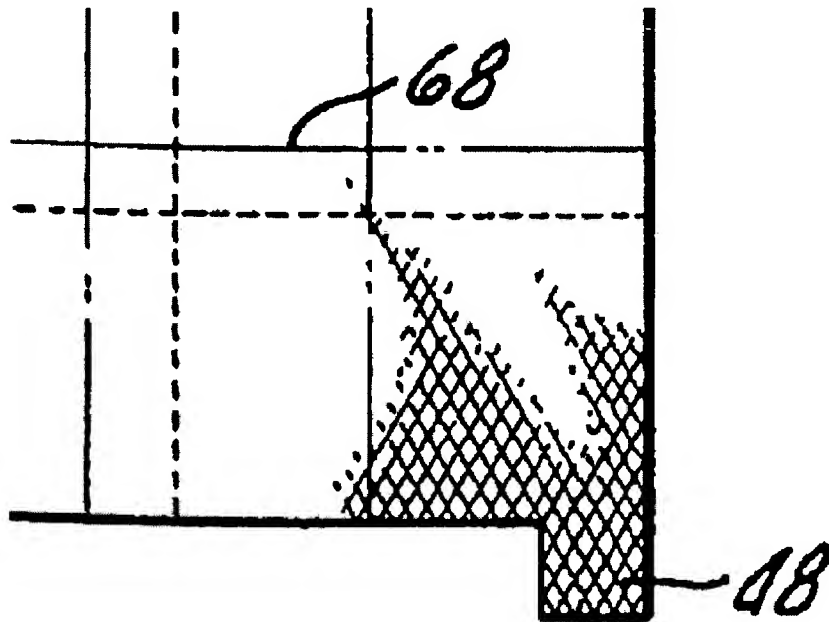
Claims 1-2, 7-11, 13-17, 19, 21-23, 25-27, 30-36 and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht (4875242) in view of Thygesen (4766617). The Examiner asserts that Albrecht relates to a disposable sanitary seat cover (10) comprising an annulus (12) having a polygonal perimeter and an ovalled inner edge (18) and a protective flap (54) attached to the inner edge of the annulus as shown in figure-2. The annulus is of a multi-ply embossed laminated paper sheet having a top layer (24) of tissue paper and a bottom layer (26) of a machine glazed paper, and an adhesive fastening means (57) for temporarily securing the cover to the toilet, wherein the adhesive means is attached to the bottom layer. The annulus has a polygonal perimeter, such as a rectangle (figure-2). Figure-2 shows, by the cross-hatch lines, that the embossing pattern is rectangularly checkered. The adhesive fastening means (57) comprises a pressure sensitive adhesive (PSA) covered with a release liner (62). The adhesive tape (58) is a double-sided adhesive tape with a carrier sandwiched between the two adhesive layers because the two adhesive sides have different adhesive strength (col. 5, lines 6-12). Further, figure-2 also shows that the adhesive fastening means are two or more islets or strips (58 and 60). The absorbent layer is, embossed which is understood to include printing, and can comprise a two-ply layer, (col. 3, lines 62-64 and figure-6). For claim 22, the length is approximately that of the toilet seat and the width is slightly wider (abstract). Figures 3-5 displays that the cover sheet is folded to fit into a bag and a finger lift to facilitate removal of a single cover from the bag. However, Albrecht fails to teach that the flap is perforatedly attached to the annulus. Thygesen discloses a sanitary seat cover comprising an annulus with a perforatedly attached center (4) filled including a flap (4A) as shown in figure-1 (col. 3, lines 20-30) to provide the advantage of removing the flap as needed. Therefore, it would have been obvious to one having ordinary skill in the art to utilize

Thygesen's teaching of using perforatedly attached flap with the toilet seat cover in the invention of Albrecht with the motivation to provide for detaching the flap to provide an opening to the toilet or use it as a wipe. The embossing is understood and interpreted by the examiner to include quilting. The glazed paper is understood to be moisture impervious because glazing process provides for a filmy surface to the paper to render it impervious to water.

Applicants observe that Albrecht et al. in fact teach a partial annulus (12) having a polygonal perimeter, where the partial annulus has a flap 54 that folds down into the toilet, presumably for purposes of creating a sanitary surface for an adult male. Applicants' invention is intended to be principally used by children, and as such the flap would be undesirable, as the flap, contaminated from being in the toilet bowl, would be difficult to dispose, and in fact would serve no purpose for a child. Albrecht et al. teach a multi-ply embossed laminated paper sheet having a top layer (24) of crepe tissue paper and a bottom layer (26) of a machine glazed paper. Applicants are in accord with the Examiner that a machine glazed paper can be made impervious to water, however as the Examiner is well aware, machine glazed paper is also very stiff compared to an absorbent sheet like tissue or toilet paper with a coating layer or a filmic layer, as is claimed in currently amend claim 1. The resulting Albrecht product would have a much stiffer texture, and Albrecht et al's toilet seat cover would be heavily creased after folding, while Applicants invention is no stiffer than a multi-ply tissue. Albrecht et al teach in col. 3, lines 60- 64, that the composite sheet 12 is comprised a top layer 24 that is a creped tissue. While creping adds elongation and flexibility to paper in the machine direction, it stiffens the sheet in the cross-direction, and makes the sheet substantially un-printable, because crepe papers have high spots and low spots. Examiner stated in the previous paragraph that "embossed which is understood to include printing" is substantially equating embossing to printing. Albrecht et al are using embossing to fastening the first layer to the second layer, like a paper fastener, not to print. Examiner is in error to equate embossing to printing. Applicants have amended claim 1, claiming a toilet seat cover having an absorbent layer that is printed, *not merely printable, but printed*. The specification teaches that the target users for the product are children, and they enjoy seeing a character like a Teddy bear or a character on the cover. Albrecht et al does not teach printing, and their product would be

unsuitable for printing. The Examiner has stated that the embossing pattern, as shown in Figure-2 by the cross-hatch lines, is rectangularly checkered. A blowup of Albrecht et al.'s Fig. 2, as see below in Exhibit 1, shows that the pattern is in fact diamond shaped, not rectangular as claimed claim 1 (currently amended). In a diamond pattern, opposing angles are either greater than 90 degrees or less than 90 degrees, where as in a rectangular pattern all the angles are 90 degrees. Albrecht et al. has chosen a diamond shape, where, in the cross-direction, the angle is an obtuse angle to compensate for the stiffness added by the creping. No such compensation is needed in Applicants' invention.

**Exhibit 1**



The Examiner admits that Albrecht fails to teach an inner oval section (flap) that is perforatedly attached to the annulus, but notes in the new art that Thygesen discloses a sanitary seat cover comprising an annulus with a perforatedly attached center (4) filled including a flap (4A) as shown in figure-1 (col. 3, lines 20-30) to provide the advantage of removing the flap as needed. Applicants invention, as claimed in dependent claim 10 and

independent claim 25 (both claims currently amended), has one piece, an inner oval section, that when removed provides an oval opening to the toilet. There is no flap that falls into the toilet. Neither Albrecht et al nor Thygesen teach an inner oval section that, when removed, creates an oval opening. Albrecht et al teach a flap, and Thygesen teaches in col. 3, lines 21-33 a central field 4 that consists of two portions 4a and 4b, where in order to create an opening without a flap 4a, both 4a and 4b must be removed. If some one is very dexterous, it might be possible to remove both portions at once, however this is unlikely, as the bond of 4a to the annulus 5, must be stronger than the bond to 4b, otherwise it would be virtually impossible to remove 4b without removing 4a. Summing up, Albrecht et al and Thygesen have a flap, while Applicant's have an annulus with an oval center, that in claims 10 and 25 has a removable single inner oval section; Albrecht et al and Thygesen have glazed paper layer, while Applicant's have a water impervious layer comprised of a coating layer or a filmic layer or both; Albrecht et al and Thygesen disclose a cover with crepe paper, where creping creates an uneven surface that is substantially impossible to print, while in contrast Applicant's cover is printed; Albrecht et al and Thygesen have a diamond shaped embossing pattern, while Applicants have a rectangular embossing pattern. The elements are different, therefore the rejection under 35 U.S.C. 103(a) of 1-2, 7-11, 13-17, 19, 21-23, 25-27, 30-36 and 38 should be withdrawn. Claims 1 and 25 are independent claims, and both independent claims have all the limitations addressed by the Examiner. Claims 2, 7, 13, 26, 17, 30, 31, and 36 have been canceled, the remaining claims 1, 1-11, 14-16, 19, 21-23, 25, 27, 32-35, and 38 respectfully now in condition for allowance.

Claims 3-4, 18, 28-29 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of Thygesen and MacLean (4887321). The Examiner asserts that Albrecht and Thygesen, as discussed above, fail to teach that the impervious bottom layer is polyethylene. MacLean discloses a toilet seat cover (10) comprising a paper sheet (11) coated with synthetic plastic material such as polyethylene (col. 7, lines 1-3). Therefore, it would have been obvious to one having ordinary skill in the art to utilize MacLean's teaching of using a bottom layer of polyethylene in the invention of Albrecht with the motivation to provide a protection barrier. For claims 18 and 37, the presence of odorous or fragranced seat cover is well known and conventional in the art as evidenced by Canadian

patent 315,162 cited in MacLean, col. 3, line 49 and that fragrance or odorous are deemed to be synonymous in the art as both are directed to suppressing unpleasant smell.

Applicants' Claims 3-4 and 18 are dependent claims depending on independent claim1, and Claims 28-29 and 37 are dependent claims depending on independent claim 25. The limitations discussed for claims 1 and 25 are inherited by the dependent claims, and the discussion addressing these limitations is applicable to these dependent claims, as the independent claims retain all the limitations addressed by the Examiner. Claim 25 has the additional limitations that there is *"an inner oval section consisting of a water impervious layer and an absorbent layer that, when removed, is a fully detachable section that provides an oval opening to the toilet; and that the adhesive fastening means comprises a release liner"*. The rejection is respectfully overcome by virtue of the dependency.

Claims 20 and 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of MacLean and Tanaka (6663949). The Examiner asserts that Albrecht and MacLean, as discussed above, fails to teach that the absorbent layer contains water swellable polymeric particles. Tanaka discloses an absorbent sheet comprising water swellable polymeric particle embedded therein (abstract and col. 3, lines 5 and 14). They also contain a deodorizer. The sheet can be used as toilet sheet. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Tanaka's teaching of using water swellable polymeric particles in the absorbent layer of the toilet seat liner in the invention of Albrecht with the motivation to provide for dry seat for hygienic purpose.

Applicants' Claim 20 is a dependent claim depending on independent claim1, and Claim 39 is dependent claim depending on independent claim 25. The limitations discussed for claims 1 and 25 in the previous rejection are appropriately applied to these rejections, as both independent retain all the limitations addressed by the Examiner. Applicants further argue that Tanaka's polymer swells and gets tacky (in col. 3, line 5), and this would be highly undesirable as then the toilet seat cover would be adhered to the user. Applicants are not under an obligation to address every patent where the art is inappropriate. Obviously, this art isn't an appropriate citation. Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in

each and every case. The Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966). Under Section 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Office policy has consistently been to follow *Graham v. John Deere Co.* in the consideration and determination of obviousness under 35 U.S.C. 103. The four factual inquiries for determining obviousness is briefly as follows: (A) The claimed invention must be considered as a whole; (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) Reasonable expectation of success is the standard with which obviousness is determined. The Examiner has not met criteria B or D, as the cited polymer becomes tacky, as well as swells. The rejection is respectfully overcome by virtue of the dependency and the arguments.

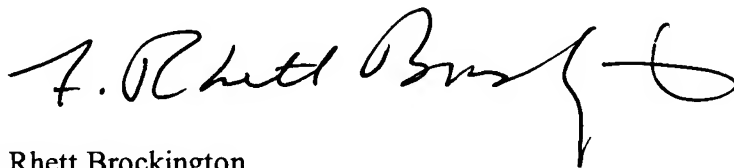
Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of Knisely (1835787). Albrecht, as discussed above, fails to teach that the absorbent layer contains an antiseptic. Knisely discloses a sanitary closet seat cover (3) made of crepe tissue paper, which is absorbent and is treated with antiseptic (page-1, lines 72-79). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Knisely's teaching of using tissue absorbent paper with antiseptic treatment in the invention of Albrecht with the motivation to provide protection from germs.

Applicants have previously enumerated the problems with using crepe paper, that is the difficulty to print because of the surface roughness, and the cross-direction ridges which will cause stiffening. Applicants' Claim 24 is a dependent claim depending on independent claim 1. The rejection is respectfully overcome by virtue of the dependency and the arguments.

### CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Agent at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Agent at Examiner's earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "F. Rhett Brockington", with a stylized flourish at the end.

F. Rhett Brockington  
Patent Agent for Applicant(s)  
Registration No. 29,618  
DOUGHERTY, CLEMENTS, HOFER, & BERNARD  
1901 Roxborough Road, Suite 300  
Charlotte, North Carolina 28211  
Telephone: 704/366-6642  
Facsimile: 704/366-9744

Attorney's Docket 3756